

Between August 17, 1942, and January 5, 1943, the United States attorneys for the Southern District of California and the Southern District of Ohio filed libels against 121 5-pound boxes of process cheese at Fresno, Calif., 15 cases, each containing 2 cheeses, and 50 cases, each containing 4 cheeses, and 11 tubs, each containing 4 cheeses, at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce within the period from on or about July 23 to December 14, 1942, by Swift & Co. from Portland, Oreg., and Marion, Ind. The article was labeled in part: "Swift Brookfield American Pasteurized Processed Cheese," or "Brookfield Brand Colby Cheese."

The process cheese was alleged to be adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The Colby cheese was alleged to be adulterated in that a substance containing excessive moisture, a portion of which was deficient in milk fat, had been substituted wholly or in part for Colby cheese which it purported and was represented to be.

The Colby cheese was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations provided by law but failed to conform to such definition and standard, since it contained more than 40 percent of moisture and the solids in one of the lots contained less than 50 percent of milk fat.

On October 26, 1942, no claimant having appeared for the process cheese, judgment of condemnation was entered and the product was ordered destroyed. On February 17, 1943, Swift & Co., having appeared as claimant for the Colby cheese, judgments of condemnation were entered and the product was ordered released under bond for blending with other cheese and its manufacture into process cheese under the supervision of the Food and Drug Administration.

**4591. Adulteration of Swiss cheese. U. S. v. 4 Wheels of Swiss Cheese. Default decree of condemnation and destruction. (F. D. C. No. 8444. Sample No. 2211-F.)**

This product contained milk fat ranging from 40.41 percent to 42.21 percent on a dry basis. Swiss cheese should contain not less than 45 percent milk fat on a dry basis.

On September 30, 1942, the United States attorney for the Western District of Wisconsin filed a libel against 4 wheels of Swiss cheese at Monroe, Wis., alleging that the article had been shipped in interstate commerce on or about August 18, 1942, by the Hillsdale Cheese Co. from McConnell, Ill.; and charging that it was adulterated in that a valuable constituent, milk fat, had been in part omitted, and in that a substance containing less milk fat than Swiss cheese should contain had been substituted for the article.

On March 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**MISCELLANEOUS DAIRY PRODUCTS**

**4592. Adulteration of cream. U. S. v. 12, 3, and 5 10-Gallon Cans of Cream. Consent decrees of condemnation. Product ordered disposed of for technical war purposes. (F. D. C. Nos. 9289, 9290, 9296. Sample Nos. 15247-F, 15248-F, 15250-F, 15252-F, 15253-F, 15958-F, 16101-F, 16102-F, 16105-F, 16106-F, 16110-F, 16111-F, 16113-F.)**

On January 5 and 8, 1943, the United States attorney for the District of Colorado filed three libels against a total of 20 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce within the period from on or about December 30, 1942, to January 5, 1943, in various shipments by M. Nielsen from Grant, Nebr., S. B. Baker from Wallace, Nebr., A. Mickish from Culbertson, Nebr., Bessie Knight from Benkelman, Nebr., E. J. Meehan from Sidney, Nebr., Emil Cords from Potter, Nebr., M. Harris from Ogallala, Nebr., Hansie Johnson from Champion, Nebr., Rose Bowker from Big Springs, Nebr., Mildred Thompson from Bayard, Nebr., and Harold Hobson from Wheatland, Wyo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On January 5 and 8, 1943, the consignee having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed. On January 13, 1943, the court entered an amended decree ordering that the product be turned over to the consignee to be churned, the butterfat returned to the marshal

to be sold to a rendering plant, and the fats disposed of for technical war purposes.

**4593. Misbranding of oleomargarine. U. S. v. The Miami Margarine Co. Plea of nolo contendere. Fine, \$300.** (F. D. C. No. 7753. Sample Nos. 91963-E, 4555-F, 4556-F, 9208-F.)

On January 12, 1943, the United States attorney for the Southern District of Ohio filed an information against the Miami Margarine Co., a corporation, Cincinnati, Ohio, alleging shipment within the period from on or about June 1 to October 12, 1942, from the State of Ohio into the States of Alabama and Indiana of quantities of oleomargarine that was misbranded. The article was labeled in part: (Cartons) "Nu-Maid Vegetable Oleomargarine One Pound Net Weight," "Delmar Vegetable Oleomargarine," or "Little Sport \* \* \* Vegetable Oleomargarine."

A portion of the article was alleged to be misbranded in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents, since the packages were represented to contain 1 pound net weight, and they contained a less amount. The remainder was alleged to be misbranded in that it purported to be and was represented as oleomargarine, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, and did not conform to such definition and standard of identity since it did not contain 80 percent of fat.

On January 15, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$300.

### EGGS

**4594. Adulteration of frozen whole eggs. U. S. v. Marshall Kirby & Co., Inc. Plea of guilty. Fine, \$1,000.** (F. D. C. No. 7689. Sample No. 84216-E.)

On April 3, 1943, the United States attorney for the Eastern District of New York filed an information against Marshall Kirby & Co., Inc., a corporation, at New York City, N. Y., alleging shipment on or about December 16, 1941, from the State of New York into the State of New Jersey of a quantity of frozen whole eggs that were adulterated in that they consisted in whole or in part of a decomposed substance.

On April 29, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$1,000.

**4595. Adulteration of frozen whole eggs. U. S. v. Fergus County Creamery. Plea of guilty. Fine, \$50.** (F. D. C. No. 8753. Sample No. 12701-F.)

On January 13, 1943, the United States attorney for the District of Montana filed an information against the Fergus County Creamery, a corporation, at Lewistown, Mont., alleging shipment on or about June 15, 1942, from the State of Montana into the State of Washington of a quantity of frozen eggs that were adulterated in that they consisted in whole or in part of decomposed substances. On January 25, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

**4596. Adulteration of frozen eggs. U. S. v. The Fairmont Creamery Co. Plea of guilty. Fine, \$50 and costs.** (F. D. C. No. 8786. Sample No. 85692-E.)

On February 4, 1943, the United States attorney for the District of Kansas filed an information against the Fairmont Creamery Co., a corporation at Dodge City, Kans., alleging shipment on or about June 3, 1942, from the State of Kansas into the State of Washington of a quantity of frozen eggs that were adulterated in that they consisted in whole or in part of decomposed substances.

On March 8, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50 and costs.

**4597. Adulteration of frozen eggs. U. S. v. Swift & Co. Plea of nolo contendere. Judgment of guilty. Fine, \$100.** (F. D. C. No. 7737. Sample Nos. 70489-E, 94242-E.)

On December 2, 1942, the United States attorney for the Northern District of Texas filed an information against Swift & Co., a corporation, Fort Worth, Tex., alleging shipment on or about July 23, 1941, and April 30, 1942, from the State of Texas into the States of Missouri and Florida of quantities of frozen eggs that were adulterated in that they consisted in whole or in part of decomposed substances. The article was labeled in part: "L Mixed Eggs," "Blend—Whites-Yolks Mixed," or "Frozen Whole Eggs."

On February 24, 1943, a plea of nolo contendere having been entered, the court found the defendant guilty and imposed a fine of \$100.